

REMARKS / ARGUMENTS

In response to the Office Action mailed April 18, 2006, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection – 35 U.S.C. § 102(e)

The Examiner has rejected claims 134-142, 145, 147 and 150-152 under 35 U.S.C. §102(e) as being anticipated by Weiss (US 6,165,071). Claims 134-142, 145, 147 and 150-152 have been canceled without prejudice thereby rendering the rejection moot. However, in view of advancing the prosecution of the presently pending application, Applicants address the Weiss reference in view of new claims 153-171.

Applicants respectfully submit that the claimed invention is not anticipated by the Weiss reference because Weiss fails to disclose "new promotional data configured to alter game play of at least one game, enhance winning outcomes of at least one game, trigger a bonus game, or a combination thereof, and wherein the new promotional award is given to a player to encourage game play on the gaming machine." As described in the specification, new promotional data is given to a player based on non-gaming events. That is, the data is "promotional" by nature and is used to entice a player to play a game or visit a gaming establishment.

In sharp contrast, the Weiss reference is directed to a game that encourages a player to continue play over a protracted period of time by including milestones as a function of performance of the underlying game. See, Col. 1, lines 60-66. According to the Weiss reference, a player card carries the current status of the player's performance during the course of previous sessions and updates the player's performance during subsequent sessions. That is, the information stored on the player card is based upon gaming events. Applicants respectfully submit that the Weiss reference does not teach, suggest, or disclose the new promotional data of the claimed invention. Accordingly, Applicants respectfully request the withdrawal of the rejection.

2. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claim 150 under 35 U.S.C. §103(a) as being unpatentable over Weiss. Claim 150 has been canceled without prejudice thereby rendering the rejection moot. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

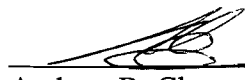
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 153-171 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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